

60.532 Type III Phase II Hearing Process: The Phase II Procedure shall be as set forth below:

- 1) Following the zoning administrator's acceptance of a completed development permit application, the zoning administrator shall, within three (3) days, transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment. If referral agencies do not comment within eight (8) days, the referral agency shall be presumed to have no objection.
- 2) The zoning administrator shall schedule a public hearing pursuant to the requirement of section [60.600](#) to be held before the Commission. Notice of hearing shall be sent to those persons designated to receive notice by the requirements for each type of application in Chapter 61. The hearing shall be scheduled within sixteen (16) days after acceptance of the application by the zoning administrator.
- 3) **Zoning Administrator Review:** Prior to the scheduled public hearing before the Commission the Zoning Administrator shall conduct a review as outlined in 60.531(3).
- 4) Following the public hearing, the Commission shall file a report summarizing the findings of the public hearing and recommending either approval, approval with conditions, or denial of the application, with the City Council, within ten (10) days. The zoning administrator shall also transmit a copy of his report along with the hearing report to the Council.
- 5) The Council, within 20 days after receiving the reports from the Commission and the zoning administrator, shall conduct a public hearing pursuant to the requirements of section [60.600](#). The Council shall make a decision on the application by either approving, approving with conditions, or denying the application.
- 6) The Council shall have the power to waive subsequent review phases in a multi-phase review process if requested by the applicant upon findings that:
 - a) The information considered during the Phase II Hearing Process is sufficient in nature to demonstrate compliance with all the requirements set forth in this ordinance.
 - b) That waiver of the subsequent review phases will not interfere with the purposes and intent of this ordinance.
 - c) That the applicant has provided assurance that all conditions or modifications attached to approval of the project will be met. This assurance shall include, but shall not be limited to, the filing of revised plans, the provision of necessary bonds or other surety to cover the completion of projects, or the filing of necessary legal documents.
- 7) The Phase II approval for a development permit requiring subsequent final development plan and the approval shall continue in force as long as the ordinance has not been amended to cause the application to be in conflict with provisions of the ordinance.

